

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYRONE REID, a/k/a LUQMAN
ABDURRAHMAN,

Case No. 82-71077

Petitioner,

HONORABLE DENISE PAGE HOOD

v.

WASHTENAW COUNTY CIRCUIT
COURT and FRANK KELLEY,

Respondents.

**ORDER DENYING APPLICATION TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

This is a habeas action brought pursuant to 28 U.S.C. § 2254 by Petitioner LuQman AbdurRahman, formerly known as Tyrone Reid. This matter comes before the Court on Petitioner's application to proceed *in forma pauperis* on appeal regarding the denial of his post-judgment motions.

The standard for granting an application for leave to proceed *in forma pauperis* is a lower standard than the standard for granting a certificate of appealability. See *Foster v. Ludwick*, 208 F. Supp. 2d 750, 764 (E.D. Mich. 2002). Whereas a certificate of appealability may only be granted if petitioner makes a substantial showing of the denial of a constitutional right, a court may grant leave to proceed *in forma pauperis* if it finds that an appeal is being taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a); *Foster*, 208 F. Supp. 2d at 764-65. "Good faith" requires a showing that the issues raised are not frivolous; it does not require a showing of probable success on the merits. *Foster*, 208 F. Supp. 2d at 765. Having considered the matter, the Court concludes that any

appeal regarding the denial of Petitioner's post-judgment motions would be frivolous and cannot be taken in good faith.

Accordingly,

IT IS ORDERED that Petitioner's application to proceed *in forma pauperis* on appeal [Dkt. # 43] is DENIED.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: May 30, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 30, 2012, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager